

### **III. REMARKS**

1. Claims 10-15 are new.
2. Claims 1-9 are patentable under 35 U.S.C. 103(a) over Heinonen et al. (US 6,728,530, hereinafter "Heinonen") and Patil (US 6,625,460). Claim 1 recites an analyzer, adapted to analyze whether the relationship fulfills a predetermined condition, and a selector responsive to the analyzer, adapted to select data to be delivered to the mobile terminal when the condition is met. These features are not disclosed or suggested by the combination of Heinonen and Patil.

The Examiner notes that Heinonen does not disclose or suggest these features but states that these features are disclosed at column 2, lines 23-30 and column 5, lines 15-32 of Patil. Column 2, lines 23-38 of Patil discloses that a user is provided with the capability to send text messages (i.e. using the short message service (SMS) messaging protocol) to recipients on a distribution list where the text messages contain content obtained from external sources. Thus, all column 2, lines 23-30 disclose is that content in the text message can be obtained from an external source and nothing more.

Column 5, lines 15-32 of Patil discloses that other options to sending messages include having the message sent upon a triggering condition. The triggering conditions of Patil include a certain time of day, a certain elapsed time, or a certain price being achieved for a particular commodity in the financial markets. Other triggering events of Patil include a content provider receiving a news item about a particular weather condition or a news item from a particular location. Thus, all that column 5, lines 15-32 of Patil disclose is that the text message can be sent upon a triggering event or condition and nothing more.

There is no disclosure whatsoever in Patil of an analyzer, adapted to analyze whether the relationship (between the retrieved data and the external data) fulfills a predetermined condition, and a selector responsive to the analyzer, adapted to select data to be delivered to the mobile terminal when the condition is met.

In Patil, a user composes a text message. In the text message the user specifies parameters that instruct the message server (40) to assemble a text message composed of information received from content providers (Col. 4, L. 63-Col. 5, L. 15 and Col. 4, L. 14-18). There is no analyzer in Patil that analyzes whether a "relationship" between "retrieved data" and "external data" "fulfills a predetermined condition" as recited in Applicant's claim 1. All that is disclosed in Patil is that the message server (40) receives certain parameters that indicate what content to include in the text message (i.e. STOCK indicates that stock prices are to be included in the message and the further parameter NOK indicates that stock price to be included in the message is the current price of Nokia stock) (Col. 5, L. 6-15). As another example, in Patil where the distribution list "FRIENDS" is created, the user may use the SM program to send instructions (i.e. a message reading "STOCK: NOK: FRIENDS") to the message server (40) which causes the message server (40) to send the current stock price of Nokia to the distribution list FRIENDS (Col. 6, L. 14-27). There is no analysis as to any "relationship" "fulfilling a predetermined condition" in Patil. All that is disclosed in Patil is that the user sends instructions to a server (40) where the instructions tell the server which information to include in the text message.

Further, although the message server (40) gathers information from the content providers (60A...60n), the gathering of information is not performed in response to any analysis as recited in Applicant's claim 1. The information gathered by the message server (40) from the service providers (60A...60n) is performed solely in response to the specific instructions provided by the user.

Thus, for the reasons described above, the combination of Heinonen and Patil does not disclose or suggest an analyzer, adapted to analyze whether the relationship fulfills a predetermined condition, and a selector responsive to the analyzer, adapted to select data to be delivered to the mobile terminal when the condition is met. Claim 6 is patentable over the combination of Heinonen and Patil for reasons that are substantially similar to those described above with respect to claim 1. Claims 2-5 and 7-9 are patentable at least by reason of their respective dependencies.

It is also submitted that new claims 10-15 are patentable at least for the reasons described above.

Further, claim 14 recites that external data retrieved from the second data storage is analyzed or handled and the results are stored in the at least one remote data repository. This feature is not disclosed or suggested by the combination of Heinonen and Patil. Thus, claim 14 is patentable.

Claim 15 recites that rules for selecting the data to be delivered are generated automatically or manually. Claim 15 calls for the user having an option as to how the delivered data is selected. There is no such option in either Heinonen or Patil. Further, the instructions of Patil (see Col. 5, L. 6-15 and Col. 6, L. 14-27) are not the same as the rules claimed by Applicant (see e.g. page 12, line 35 through page 13, line 27, et seq.). For example, the rules claimed by Applicant can be defined by e.g. access patterns, calendar information and/or location information of the mobile user (See e.g. page 13, lines 17-20). The instructions in Patil include defining a particular message type (e.g. "message type STOCK" and further parameters pertaining to the particular message type (e.g. "NOK") and nothing more. Thus, claim 15 is patentable.

It is also submitted that Heinonen and Patil have been combined improperly. References may be combined under 35 U.S.C. 103(a) only if the references are analogous art. In this case Patil is not analogous art. A reference is analogous art if:

- 1) The reference is in the same field of endeavor as the applicant's; or
- 2) The reference is reasonably pertinent to the particular problem with which the applicant was concerned.

Patil is not in the same field as the Applicant's. Applicant is concerned with collecting information that is downloaded through a network via a wireless link to a mobile terminal. Patil is concerned with SMS messaging and attaching content to the messages at a message server (40) and nothing more. Patil is simply not concerned with collected

information that is downloaded through a network using a wireless link to be displayed to the user as called for in Applicant's claims.

Moreover, Patil is not reasonably pertinent to the problem with which Applicant was concerned. Applicant was concerned with collected information that is downloaded through a network using a wireless link to be displayed to the user as called for in Applicant's claims. Again, Patil is merely concerned with nothing more than adding content to SMS messages using a message server (40).

Since Patil is not in the same field of endeavor and is not reasonably pertinent to the particular problem with which Applicant was concerned, Patil is not analogous art. Therefore, Patil may not be properly combined with Heinonen.


Further, one skilled in the art would not modify Heinonen with Patil as suggested by the Examiner. Heinonen is directed to a calendar display apparatus for displaying a calendar at a mobile terminal while Patil is directed to SMS messaging. Because of the different objectives of Heinonen and Patil, combining the calendar display apparatus of Heinonen with the SMS messaging service of Patil cannot reasonably be considered a simple substitution of one known element for another. Nor could the combination of Heinonen and Patil reasonably be considered the application of a known technique to a piece of prior art ready for improvement such that their combination arrives at what is claimed by Applicant. Again Applicant's claims recite an analyzer, adapted to analyze whether the relationship fulfills a predetermined condition, and a selector responsive to the analyzer, adapted to select data to be delivered to the mobile terminal when the condition is met. As described above neither Heinonen or Patil, individually or in combination, disclose or suggest these features thus even if one skilled in the art were motivated to combine the references the result would still not be what is claimed by Applicant.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and

allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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